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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,501	11/19/2001	Leonard Hayden	KLR: 1016.073	4149

7590 09/18/2006  
CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP  
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EXAMINER

KARLSEN, ERNEST F

ART UNIT PAPER NUMBER

2829

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/6

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/997,501		HAYDEN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ernest F. Karlsen		2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-11 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) 23-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>0406 0706 0706a</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Claims 4, 5 and 12-22 were cancelled by Applicant.

Claims 23-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions and/or species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 30, 2006.

Claims 1-3 and 6-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As originally filed the disclosure did not include both the base and the planar circuit board as part of the support. The word "base" as now present in claim 1 did not appear in the original disclosure. As originally disclosed it was not clear that the "base" and the planar circuit board formed a substantially rigid support.

Claims 1-3 and 6-11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the base of claim 1 is or how the base and planar circuit board form a rigid support.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chayka et al in view of Cherry and Long et al '333. Chayka et al has a rigid support 32 and a plurality of contact fingers 26 supported by and extending from support 32. The contact fingers are a unitary assembly with each other via the central tab with hole 54 of Figure 3 of Chayka et al or as a result of being mounted on the support 32. The contact fingers 26 are maintained in alignment by the tab with the hole 54 of Figure 3 of Chayka et al when attached to the support. The tab in Chayka et al is proximate the ends of the plurality of contact fingers. Chayka et al does not show a circuit board with a network of resistors and capacitors connected to the probes or a support that includes a base and a planar circuit board. Cherry discloses at column 3, lines 7-29 a network of resistors and capacitors connected to the probe needles 74 and Long et al '333 discloses a support with angled support structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to have adapted the resistor-capacitor network of Cherry and the angled support structure of Long et al '333 to the apparatus of Chayka et al because one of ordinary skill in the art would realize that it would be desirable to provide impedance matching for the apparatus of Chayka et al as taught by Cherry and shorter contact distances as disclosed by Long et al '333. The limitations of claims 1, 6-8, 10 and 11 are covered by the above discussion of Chayka et al and the modification thereof in accord with the teaching of Cherry. With regard to claim 2 the contact fingers of Chayka et al extend radially from their tips. With regard to claims 3 and 9 the claimed features are inherent in Chayka et al.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Ernest F. Karlsen at telephone number 571-272-1961.

Ernest F. Karlsen

September 14, 2006

  
ERNEST KARLSEN  
PRIMARY EXAMINER